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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JAMES DIGGS, SR.,

07-CV-08035 GDB

- against - Plaintiff,

ORDER AND STIPULATION  
TO TRANSFER VENUE TO  
EASTERN DISTRICT  
OF NEW YORK

NEW YORK MARINE TOWING,

Defendants.  
-----X

WHEREAS, plaintiff filed a complaint in the district; and,

WHEREAS, venue is not proper in this district, but rather proper in an adjacent district,  
i.e., the Eastern District of New York, Central Islip Courthouse; therefore,

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the plaintiff  
JAMES DIGGS, SR. and the defendant NEW YORK MARINE TOWING, that the venue of the  
above captioned matter be transferred to the U.S. District Court for the Eastern District of New  
York, Central Islip Courthouse.

IT IS FURTHER STIPULATED AND AGREED that, by entering into this Stipulation,  
defendant NEW YORK MARINE TOWING does not waive any of its defenses to this lawsuit.

Dated: New York, New York  
September 28, 2007

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So Ordered:

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U. S. P. C. J.